

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
District of NebraskaUnited States of America  
v.

ROEMELLO WEAVER

*Defendant(s)***SEALED**

Case No. 4:20MJ3072

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 14, 2020 in the county of Lancaster in the  
District of Nebraska, the defendant(s) violated:*Code Section**Offense Description*21 U.S.C. §§ 841(a)(1) & (b)(1)(D);  
andCOUNT ONE  
did knowingly and intentionally possess, with intent to distribute, marijuana, a  
Schedule I controlled substance; and

18 U.S.C. § 924(c)

COUNT TWO  
did knowingly possess a firearm, to wit: Glock 43X 9mm handgun, in  
furtherance of, a drug trafficking crime for which Defendant may be  
prosecuted in a court of the United States, that is, the offense described in  
Count One.

This criminal complaint is based on these facts:

See the attached affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

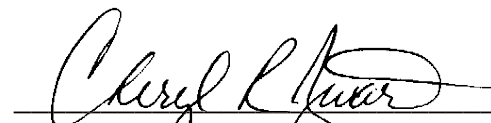
Special Agent Brandon Day, FBI

*Printed name and title*☐ Sworn to before me and signed in my presence.☒ Sworn to before me by telephone or other reliable  
electronic means.

Sworn to before me by reliable electronic means:

Date: April 14, 2020.

District of Nebraska

  
Cheryl R. Zwart, U.S. Magistrate Judge

**AFFIDAVIT OF SPECIAL AGENT BRANDON DAY**

1. I am an investigative or law enforcement officer of the United States, within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations of and make arrests for offenses enumerated in Section 2516 of Title 18, United States Code. I have been a Special Agent of the Federal Bureau of Investigation (FBI) since March 2016. Prior to that, I was a Special Agent with the Drug Enforcement Administration (DEA) in St. Louis, Missouri, assigned to a violent drug trafficking task force, and a police officer with the Lincoln Police Department in Lincoln, Nebraska. I have participated in numerous and varied criminal investigations, including violent crime and drug trafficking investigations.
2. Based in part on the evidence as described below, your affiant believes that Roemello Weaver (hereafter "Weaver") has committed the offenses of possession of marijuana with the intent to distribute, in violation 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D), and possession of a firearm in furtherance of a drug trafficking offense, in violation of 18 U.S.C. § 924(c). Your affiant submits this affidavit in support of a complaint and arrest warrant.
3. Weaver is a documented member of the Bloods criminal street gang in the Lincoln Police Department's records management system based on use of known Bloods hand signs, gang clothing, associating with documented gang members, and criminal activity with gang members.
4. In January of 2020, investigators with the Lincoln Police Department (LPD) Gang Unit began surveillance on the Snapchat, a social media platform, account of Roemello Weaver. This account had been identified as belonging to Mr. Weaver by investigators as Mr. Weaver had posted numerous self-pictures of himself onto the account. Investigators were familiar with Weaver from past contacts and investigations and were able to positively identify him in the self-pictures. The Snapchat account was named "mellodasavagee". Investigators were also aware that Weaver went by the nickname of "Mello" and his Facebook account was named "Mello Da Savagee".
5. On 01-23-2020, Weaver posted a picture of marijuana at approximately 2200hrs. At approximately the same time he posted another picture with a caption bubble of "shop now". LPD Gang Inv. Jennings knows from training and experience that "Shop now" is a common term meaning a party has illegal narcotics to sell.
6. 01-25-2020 at approximately 1400hrs Weaver posted a picture of loose marijuana with the caption of "Good afternoon".
7. On 01-30-2020 Weaver posted a picture of marijuana in a yellow bag with the caption of "Wtf" meaning "what the fuck".
8. On 01-30-2020 Weaver posted a picture of marijuana in a clear baggie next to a package of cigars. In addition to this he also posted a closer picture of the marijuana. On 01-31-2020 he also posted a picture of with a caption of "The lamest city I've ever been in" with an arrow

pointing to the label of Lincoln, Nebraska. Inv. Jennings knows from experience that typically when a city is labeled on a Snapchat photo that label is generated from the devices GPS coordinates.

9. On 02-04-2020 at approximately 1631hrs, Weaver posted a picture of a smashed cigar with the caption of “Just got my cuz so high he tapped out before the second wood”. From experience Inv. Jennings knew that marijuana users frequently smoke marijuana out of a cigar that are typically called “woods”, a brand of cigar.

10. On 02-05-2020 Weaver posted a picture of a bottle that was labeled “Promethazine Syrup Plain 6.25 mg/5 ml Promethazine Hydrochloride Syrup, USP Alcohol 7.0%” Rx Only” From training and experience, Inv. Jennings knew that narcotic users will use this type of prescription medication in a drink form, typically mixed with soda or another liquid to obtain a “high”.

11. On 02-11-2020 Weaver posted a picture of marijuana with the label of “Skywalker”. “Skywalker” most likely being the name of type of marijuana.

12. On 02-12-2020 Weaver posted a picture of marijuana with the caption of “I hate when y’all say on y’all story “who’s good” Y’all know who good!!” From training and experience Inv. Jennings knew that when someone asks “who’s good” they are asking “who has narcotics for sale?”

13. Later on 02-12-2020 Weaver posted a picture of marijuana along with white elongated pills. This picture had the caption of “Lil smoke sack and my medication ya know (then an emoji of a laughing face and a cartoon ill). The picture had a label of “Tonights Vibe”.

14. On 02-16-2020 Weaver posted a picture with a large air sealed bag of marijuana with the caption of “We gttn busy NoCapNoBap”. This picture was followed by several others that indicated Weaver was in Denver, Colorado by the labels on the pictures. From training and experience Inv. Jennings knew that narcotics dealers and users, especially marijuana users, will travel to Colorado to buy marijuana legally, then transport the narcotics back to their home city.

15. On 02-18-2020 and 02-27-2020 Weaver posted pictures of marijuana.

16. On 03-03-2020 Weaver posted several pictures of himself with a label of “Lincoln”.

17. On 03-16-2020 Weaver posted a picture of marijuana with the caption of “\$30/8<sup>th</sup> \$50/Qtr”. Inv. Jennings knew from training and experience that the caption meant Weaver was selling marijuana for thirty dollars for an eighth of an ounce and fifty dollars for a quarter of an ounce.

18. On 03-20-2020 Weaver posted a picture of marijuana.

19. On 03-26-2020 Weaver posted a picture of marijuana with the label of “Send Snacks”.

20. On 04-09-2020 Weaver posted a picture of hand holding marijuana with the caption of “!!BULK BUYERS ONLY!! QP/450 HP/800 P/1450” From training and experience Inv. Jennings knew that QP is in reference to quarter pound, hp is in reference to half pound, and p is in reference to pound quantities of marijuana. The corresponding numbers indicated the price in dollars for each quantity.

21. Also on 04-09-2020 Weaver posted a picture of marijuana with the caption of “!! FOR MY SMOKERS !! Pineapple OG”. Inv. Jennings knew that Pineapple OG was the name of the type of marijuana.

22. On 04-09-2020 Inv. Jennings, after observing the pictures of marijuana that Mr. Weaver had posted to his account, researched Weaver in the Lincoln Police Record Management System (RMS). Inv. Jennings was aware that Weaver had applied for a Nebraska Firearms Purchase Permit at the end of February 2020. Through the Lincoln RMS, Inv. Jennings observed that Weaver’s application had been approved and became active on 03-09-2020. Inv. Jennings then observed that Weaver had purchased a Glock 43X 9MM serial number BMRF057 from the Lincoln, Nebraska Scheels sporting goods store located at 3030 Pine Lake Rd, Lincoln, NE on 03-25-2020. Inv. Jennings contacted staff at Scheels and requested the paperwork for the purchase of the Glock handgun bought by Weaver. Inv. Jennings also observed at this time that Weaver had been cited in September of 2018 for possession of marijuana one ounce or less under Lincoln Municipal Code 9.48.090 (B)(1). He was found guilty of this offense on 10-05-2018 and fined \$300.00.

23. On 04-09-2020 Weaver posted a picture of two guns sitting on a table along with several rounds of ammunition with the caption of “Glock 43x meek a smart man (two emojis)!!” Inv. Jennings observed this picture. From experience, Inv. Jennings knew that the dark colored gun in the picture was consistent with a Glock firearm. The other gun was a black/tan handgun that was consistent with a FN Five-seven. This picture was posted from the “camera roll”. From experience, Inv. Jennings knew that “camera roll” meant the picture could have been taken at an earlier date and then later posted to Weaver’s account.

24. On 04-10-2020 Inv. Jennings obtained a copy of Weaver’s purchase permit application. Inv. Jennings observed that Weaver used the address of 1335 N 47<sup>th</sup> ST, Lincoln, NE 68503 on his application. Inv. Jennings checked this address with the one listed in the Lincoln RMS and found they were the same with the exception that in the Lincoln RMS an apartment #4 is listed. Inv. Jennings researched Weaver’s operator’s license in the Nebraska Criminal Justice Information System (NCJIS) and found he had an address listed as 1335 N 47<sup>th</sup> ST Apt. 4, Lincoln, NE 68503 as of 01-30-2020. Inv. Jennings also observed that on the question which states, “Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?” Weaver answered “No”.

25. On 04-10-2020, Inv. Villamonte and Inv. Dufek of the Lincoln Police Department Gang Unit were conducting physical surveillance on the residence of Weaver, 1335 N 47<sup>th</sup> ST, at approximately 1325hrs. At approximately 1354hrs, the investigators observed Weaver exit the building on the west side and enter the brown Chevy Trailblazer with Nebraska registration WCU279 in the driver’s position. The vehicle then drove away. Inv. Jennings researched this vehicle in the Lincoln RMS and found it was a 2003 Chevy Trailblazer registered to Weaver.

26. On 04-10-2020 at approximately 1440hrs, Inv. Jennings met with Scheel’s staff who provided the ATF Form 4473 for Weaver’s purchase of the Glock handgun. They also provided Inv. Jennings with the transaction record for the purchase which showed Weaver also purchased

ammunition along with the firearm. The total for the transaction was \$499.35. Mr. Weaver paid cash for the transaction.

27. On 04-10-2020 at approximately 1520hrs Weaver posted a video to his Snapchat account of himself in a vehicle with a large sum of currency and a clear firearm magazine loaded with several rounds that appeared to be inserted into the grip of a handgun. This was laying on Weaver's lap. At approximately 1530hrs, Inv. Jennings was notified by Scheels staff that Weaver had returned to the store and was currently buying ammunition. They provided Inv. Jennings with photographs of the vehicle he arrived in, which was the brown Chevy SUV registered to Weaver.

28. Along with the documents, Inv. Jennings was also provided video surveillance from the store of the purchase. The surveillance is dated 03-25-2020 and begins at 1732hrs. Inv. Jennings reviewed this video surveillance. It shows Weaver entering the store, filling out the necessary documents, and completing the transaction for the firearm. He is then observed to exit the store at 1811hrs in possession of the firearm. He is observed to enter a brown Chevy Trailblazer with Nebraska registration WCU279. The vehicle exits the store's parking lot. There is also video surveillance prior to this that began at 1626hrs and shows Weaver entering the store and going to the firearm section. Once there he handles numerous firearms, including several handguns. It appears he selects one to purchase and proceeds to the firearm counter to complete the transaction, however he looks at another firearm and then leaves the store only to return later to buy the Glock handgun.

29. Inv. Jennings reviewed the ATF Form 4473 for the purchase of the Glock handgun. Mr. Weaver supplied the address of 1335 N 47<sup>th</sup> ST Apt. 4, Lincoln, NE 68503 on the form. The document was also signed by Mr. Weaver and he provided his NE Operator's License as identification. Inv. Jennings noted that on question 11e of the form, which states "Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medical or recreational purposes in the state where you reside", Mr. Weaver answered "No". Also in reviewing all the documents provided by Scheel's employees, Inv. Jennings observed the serial number for the weapon, BMRF057, matched that as the firearm in the Lincoln RMS under Mr. Weaver's information.

30. During the night of April 13, 2020, or the early morning hours before sunrise on April 14, 2020, Weaver and another person each posted videos to their Snapchat accounts. While it is dark in the video posted to Weaver's account, and the face of the person in the video cannot be clearly identified, the physical characteristics of the person are consistent with Weaver. The video posted to Weaver's account depicts a person, who your affiant believes is Weaver, firing a handgun on a dirt road. The video the other person posted depicts that person firing what is likely the same handgun on the same dirt road.

31. Law enforcement executed a search warrant on April 14, 2020. They searched Weaver's person and his residence. Weaver was contacted as he was leaving his residence in Lincoln,



Nebraska at around 12:15 pm. He was found to have multiple bags containing marijuana on his person. When officers searched his residence, they found several pounds of marijuana and the Glock handgun that he purchased from Scheels described above. Most of the marijuana was found in Weaver's bedroom inside the apartment. The Glock handgun was found loaded and stored in a nightstand. Some of the marijuana was also found in the nightstand. A safe was in the bedroom that contained thousands of dollars of United States currency. Scales and repackaging material was also found in his apartment.

32. Based on your affiant's training and experience, your affiant knows that based on the quantity of drugs recovered, the manner in which they were packaged, the presence of scales and repackaging materials, a large quantity of United States currency, and the firearm are all consistent with possession of marijuana with the intent to distribute. The collection of all of those items together are inconsistent with marijuana being possessed solely for personal consumption. Moreover, the presence of the handgun in close proximity to the drugs and money, and considering that it was found loaded, are all consistent with the gun being possessed in furtherance of Weaver's distribution of marijuana. Your affiant knows that drug distributors are common targets for robberies. Drug dealers are known to possess large quantities of drugs that have a high street value and significant quantities of money. Moreover, drug dealers are reluctant to report robberies to the police because it is difficult to do so without implicating themselves. Consequently, drug distributors often possess firearms to discourage robberies, or to defend themselves, their drugs, and their money in the event of a robbery.

33. For the above stated reasons, your Affiant submits there is probable cause to believe that Weaver is guilty of possession of marijuana with the intent to distribute, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D), and possession of a firearm in furtherance of a drug trafficking offense, in violation of 18 U.S.C. § 924(c).

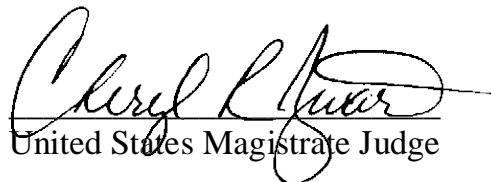
Further your affiant saith not,



SA Brandon Day, FBI

Sworn to before me by reliable electronic means:

Dated: April 14, 2020.

  
United States Magistrate Judge